



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,124	11/19/2003	Corydon Joseph Boyan	10030882-1	9103

7590 10/12/2005
AGILENT TECHNOLOGIES, INC.
Intellectual Property Administration
Legal Department, DL 429
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

LAU, TUNG S

ART UNIT	PAPER NUMBER
----------	--------------

2863

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,124

Applicant(s)

BOYAN ET AL.

Examiner

Tung S. Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/23/2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Agilent technologies PSA Series Spectrum Analyzers (May 2002).

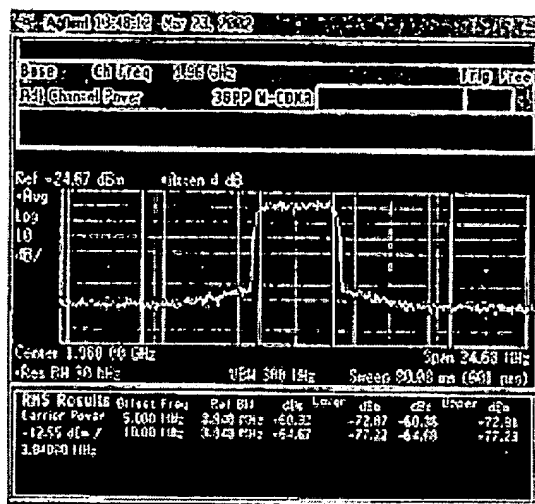
Regarding claim 1:

Agilent technologies PSA Series Spectrum Analyzers discloses a method for performing a function on a selected portion of a signal, comprising: marking a start frequency with a band marker (fig. 8-8, 8-7); marking a stop frequency with the band marker (fig. 8-8, 8-7); wherein the start frequency, and the stop frequency are simultaneously marked by the band marker (fig. 8-8, 8-7); performing mathematical operation on a bandwidth of the signal between the

Art Unit: 2863

start frequency and the stop frequency (fig. 8-8, 8-7); and, displaying a numerical value representing a result of the mathematical operation (fig. 8-8, 8-7 fig. 5-2).

Figure 8-7 ACP Measurement on a Base Station W-CDMA Signal



Regarding claim 7:

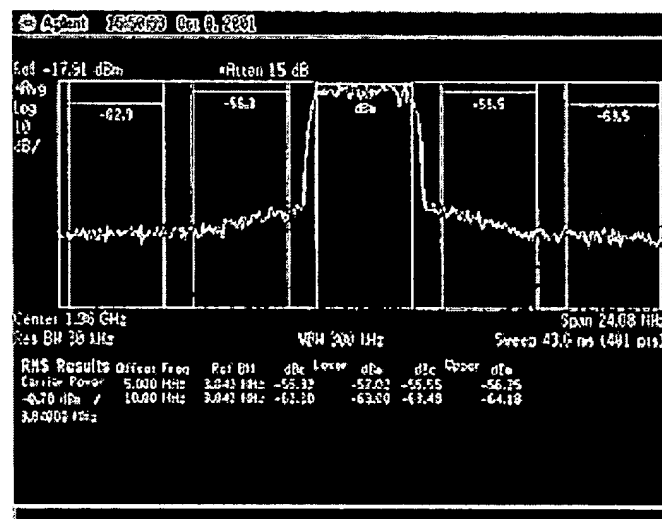
Agilent technologies PSA Series Spectrum Analyzers discloses a user interface for an electronic instrument, comprising: a display that displays a signal and a band marker (fig. 8-8, 8-7), the band marker demarking a bandwidth of the signal by simultaneously marking a start frequency of the bandwidth and a stop frequency of the bandwidth (fig. 8-8, 8-7); wherein the electronic instrument performs a mathematical operation on the bandwidth of the signal between the start frequency and the stop frequency and displays a numerical value representing a result of the mathematical operation (fig. 8-7, fig. 8-8 fig. 5-2).

Regarding claim 14:

Agilent technologies PSA Series Spectrum Analyzers discloses an electronic instrument, comprising: an input means for receiving selections from a user

(page 66); and, a display means for displaying a signal and a band marker (fig. 8-8, 8-7), the band marker demarking a bandwidth of the signal by simultaneously marking a start frequency of the bandwidth and a stop frequency of the bandwidth (fig. 8-8, 8-7); wherein the electronic instrument performs a mathematical operation on the bandwidth of the signal between the start frequency and the stop frequency and displays a numerical value representing a result of the mathematical operation (fig. 8-8, fig. 8-7, fig. 5-2).

Figure 8-8 ACP Measurement in Full Screen Display



Regarding claim 2, 8, 15, Agilent technologies PSA Series Spectrum Analyzers further discloses band power representing a total amount of power of the signal within the bandwidth of the signal between the start frequency and the stop frequency (page 66, fig. 8-8, 8-7); Regarding claim 3, 9, 16. Agilent technologies PSA Series Spectrum Analyzers further discloses the start frequency is marked with a left foot of the band marker, the left foot of the band marker being a vertical line; and, wherein the stop frequency is marked with a right foot of the

band marker, the right foot of the band marker being a vertical line (fig. 8-7);

Regarding claim 4, 10, 17, Agilent technologies PSA Series Spectrum Analyzers further discloses the start frequency is marked with a left foot of the band marker, the left foot of the band marker being a vertical line; wherein the stop frequency is marked with a right foot of the band marker, the right foot of the band marker being a vertical line; and, wherein the center frequency between the start frequency and the stop frequency is indicated by a center diamond of the band marker (fig. 8-7, fig. 3-1, 3-2); Regarding claim 5, Agilent technologies PSA Series Spectrum Analyzers further discloses marking a second start frequency with a second band marker (fig. 8-7); marking a second stop frequency with the second band marker; and, performing a delta band function on a second bandwidth of the signal between the second start frequency and the second stop frequency along with the bandwidth of the signal between the start frequency and the stop frequency (fig. 8-7, 8-8); Regarding claim 6, 13, 20, Agilent technologies PSA Series Spectrum Analyzers further discloses delta band power (fig. 8-7, 8-7);); Regarding claim 11, 18, Agilent technologies PSA Series Spectrum Analyzers further discloses the display additionally displays a second band marker, the second band marker demarking a second bandwidth of the signal by marking both a start frequency of the second bandwidth, and a stop frequency of the second bandwidth (fig. 8-7); Regarding claim 12, 19, Agilent technologies PSA Series Spectrum Analyzers further discloses the display additionally displays a second band marker, the second band marker demarking a second

bandwidth of the signal by marking both a start frequency of the second bandwidth, and a stop frequency of the second bandwidth; wherein the electronic instrument performs a delta function on the second bandwidth of the signal vis-à-vis the bandwidth of the signal between the start frequency and the stop frequency (fig. 8-7, 8-8).

Response to Arguments

3. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 09/23/2005 have been fully considered but they are not persuasive.

A. Applicant argues that the prior art does not show 'a numerical value representing a result of the mathematical operation is displayed'. Agilent technologies PSA Series Spectrum Analyzers discloses 'a numerical value representing a result of the mathematical operation is displayed' in fig. 8-7, 8-8, where it shown the RMS result of the marked band.

B. Applicant argues that the prior art does not show 'a band marker demarks a bandwidth of the signal by simultaneously marking a start frequency of the bandwidth and a stop frequency of the bandwidth. The electronic instrument performs a mathematical operation on the bandwidth of the signal between the start frequency and the stop frequency and displays a numerical value representing a result of the mathematical operation'. Agilent technologies PSA Series Spectrum Analyzers discloses 'a band marker demarks a bandwidth of the

signal by simultaneously marking a start frequency of the bandwidth and a stop frequency of the bandwidth. The electronic instrument performs a mathematical operation on the bandwidth of the signal between the start frequency and the stop frequency and displays a numerical value representing a result of the mathematical operation' in fig. 8-7, 8-7.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

BRYAN BUI
PRIMARY EXAMINER

